

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

	§	
	§	
Plaintiff(s),	§	
	§	
v.	§	CIVIL ACTION NO. H-_____
	§	
	§	
	§	
Defendant(s).	§	

JOINT PRETRIAL ORDER

Appearance of Counsel

List the parties, their respective counsel, and the addresses and telephone numbers of counsel in separate paragraphs.

Statement of the Case

Give a brief statement of the case for the information of the court and/or jury which the court may read to the jury panel to see if the panel is acquainted with the facts of, or parties to, the case. Include names, dates, and places.

Jurisdiction

Briefly set out why the court has full and complete jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state the problem.

Motions

List any pending motions.

Contentions of the Parties

State concisely in separate paragraphs what each party claims.

Admissions of Fact

List all facts that require no proof.

Contested Issues of Fact

List all factual issues in controversy necessary to the final disposition of this case.

Agreed Applicable Propositions of Law

State the legal propositions not in dispute.

Contested Issues of Law

State briefly the disputed issues of law. A memorandum of authorities should be filed which addresses these issues.

Exhibits

Each party will attach to this Joint Pretrial Order two copies of a list in the form shown by attachment A (or a similar form) of all exhibits expected to be offered. Each party will make the exhibits available for examination by the opposing parties. This rule does not apply to rebuttal exhibits, which cannot be anticipated.

All parties requiring authentication of an exhibit must notify the offering counsel in writing within five business days after the exhibit is listed and made available to opposing parties. Failure to do so is an admission of authenticity.

The court will admit all exhibits listed in the final Joint Pretrial Order into evidence unless the opposing parties file written objections with authorities at least three business days before trial.

The offering party will mark his own exhibits before trial to include the party's name, case number, and exhibit number on each exhibit.

Witnesses

List the names and addresses of witnesses who will or may be called and include a brief statement of the subject matter and substance of their testimony. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. Objections to those portions (citing pages and lines) with supporting authority must be filed at least three business days before trial.

Each party will also attach to the Joint Pretrial Order two copies of a list of witnesses' names for use only by court personnel.

Include in this section the following statement:

"In the event there are any other witnesses to be called at the trial, their names, addresses and the subject matter of their testimony

shall be reported to opposing counsel as soon as they are known. This restriction shall not apply to rebuttal or impeachment witnesses, the necessity of whose testimony cannot reasonably be anticipated before the time of trial."

Settlement

Include a statement as to the status of settlement negotiations, and, if applicable, that all settlement efforts have been exhausted. State the current settlement demand and offer and whether the case can reasonably be expected to settle.

Trial

Include in this paragraph:

- (a) whether the trial will be jury or non-jury;
- (b) the probable length of trial;
- (c) the availability of witnesses; and
- (d) any foreseeable logistical problems.

Additional Required Attachments

For Jury Trials include two copies of:

- (a) proposed questions for the voir dire examination.
- (b) a single, joint proposed jury charge, including all instructions, definitions, and questions, separately numbered and presented on a separate sheet of paper with authority. If there are instructions, definitions, or questions as to which the parties cannot agree, the disputed language shall be set out in bold type, italics, or underlined; identified as disputed; and labeled to indicate which party is requesting the disputed language. The charge must also be submitted on a 3 ½ inch diskette compatible with Corel WordPerfect 8 word processing.
- (c) memorandum of law.

For Non-Jury Trials include two copies of:

- (a) proposed findings of fact and conclusions of law; and
- (b) memorandum of law

Date

LEE H. ROSENTHAL
UNITED STATES DISTRICT JUDGE

APPROVED:

Counsel for Plaintiff(s)

Date

Counsel for Defendant(s)

Date